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Report of Stephen J. Barborini**Holcombe v. United States****07/15/2020**

I have been retained by Civil Division of the U.S Department of Justice as an expert in private gun sales in the United States in the matter of *Holcombe v. United States*, a case about the shooting at the First Baptist Church in Sutherland Springs, Texas, on November 5, 2017, by a Devin KELLEY. In communications with DOJ Civil Division personnel I received documents to consider which include: the United States Department of Defense Report of investigation of Devin KELLEY (USA00005250); a Department of Defense interview of Danielle Shields (USA00016126); a Bureau of Alcohol, Tobacco, and Firearms report (USA00012797) and copies of six ATF 4473 forms for Devin KELLEY's firearm purchases (USA00000016, USA00012126). I also received photographs and messages taken from Devin KELLEY's iCloud account (TXRANGERS 00048130, 48133, 48135, 48136, 48137, 48138, 48140, 48141, 48142, 48144, 48145), photographs from KELLEY's Facebook records, and two records from the Texas Rangers' investigation of the shooting (TXRANGERS 00006400, 00013909).

Training and Experience

I have been a law enforcement officer since 1978. I currently am employed as a part-time (29 hours per week) Detective at the Palm Beach County Sheriff's Office (PBSO), West Palm Beach Florida in the Firearm Investigative Unit in the Violent Crime Division. This unit is a specialized unit that follows up on gun crimes, provides in-person and online training on technical firearm issues and law to PBSO Deputies as well as other local State and Federal Agencies. I also assist both State and Federal prosecutors by providing expert testimony in the areas of firearm and ammunition identification, firearms trafficking and the paperwork and licensing requirements involved in the manufacture, import, and sale of firearms by federally licensed firearms dealers (FFLs). My expertise in firearm identification and technology started with my personal research and knowledge collecting firearms. My formal training came from my 25 years of experience as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the last 4 ½ years as the Resident Agent in Charge of the West Palm Beach ATF Field Office. During my tenure at ATF, I volunteered and was chosen to enhance my firearm knowledge by enlisting in Advanced Firearms Training Classes which also included factory tours of US firearm and ammunition manufacturers. I was also one of 24 ATF Special Agents ever to tour firearm manufacturers and museums throughout Europe. I have taught firearm technology and trafficking classes for ATF at the ATF National Academy, at Advanced ATF training classes and internationally at the International Law Enforcement Academies in Gaborone, Botswana, Hungary (Budapest), and El Salvador (San Salvador). I also created courses for ATF in the fields Firearm Trafficking and Internet Firearm Investigation. I am currently under contract with ATF to instruct at the ATF National Academy and elsewhere for ATF in the fields of firearms trafficking, firearms identification and technology and the laws that apply. I recently was a group member that rewrote the firearms trafficking block of instruction for ATF in 2016.

Firearm Trafficking/Private Sales Investigative Experience:

In 1989 I investigated a group of individuals who were utilizing a corrupt FFL to buy firearms to include AR-15 and MAC-10 type firearms without any paperwork, that were illegally exported to the Cali Cartel. My investigation led to the federal prosecution of these individuals.

In 1996/1997, I headed the Florida Gun Show task force to investigate the “private sales” of firearms by private individuals from vendor booths at Florida Gun Shows. The term “private sales” is a term commonly verbally broadcast and or written at vendor booths at gun shows so that a prospective purchaser will know without a doubt that the guns displayed at the booth can be purchased without having to fill out paperwork or undergo a background check. It is not against the law for an individual to sell a firearm to another individual in the same state unless the seller knows that the purchaser is a convicted felon. Obviously, a convicted felon is not going to advise the seller of his conviction. Other agents and myself, in undercover capacities, purchased firearms throughout the state without any paperwork or background checks. We showed that the sales were not just occasional private sales to enhance a firearm collection, but repetitive sales for profit by the vendors. We proved this based on the amount of guns offered for sale at multiple gun shows throughout Florida. Most of the vendors we targeted consistently had over twenty firearms offered for sale and as many as 80. We enlisted ATF agents to warn these private sellers to cease and desist because they were in violation of 18 USC 922 (a) (1) A – Dealing in Firearms without a License – before we started purchasing firearms from the vendors at multiple locations. We did not warn the two convicted felons who were selling guns or the one vendor who used to have an FFL. The case culminated in the prosecution of 7 federal defendants. We also seized approximately 100 firearms at the gun show from the vendor booths based on search warrants I drafted and executed. We also seized hundreds of other firearms at private residences.

In 2000/2001, I investigated a group who were seeking small arms, night vision and Stinger missiles for Pakistan. The cases culminated with the arrest of four individuals.

In 2003, I investigated an individual in Argentina who was offering for sale on the internet and illegally exporting to the United States, “Glock switches” (classified under federal law as machine guns), silencers, and machine gun receivers. I purchased all of the above from an undercover account and received the firearms by mail in the United States. I then drafted and executed a Title III intercept of the suspect’s email address. After a 30 day intercept, additional suspects were developed and prosecuted throughout the United States. Multiple suspects were also prosecuted and firearms were seized in Canada. After this investigation, I created the Internet Firearms Trafficking class for ATF and also instructed this course in Canada.

In 2005, I investigated an individual in Germany who was selling and illegally exporting to the United States large quantities of machine gun receivers on the internet. The receiver is the firearm in the United States and a machine gun receiver is classified as a machine gun under federal Law. I purchased multiple machine gun receivers as well as a stolen US Military M203 grenade launcher. All of these items were clandestinely shipped to my undercover mailbox in the United States by the suspect. The German police from the Federal Criminal Police Office (Bundeskriminalamt – BKA) and the State Criminal Police Office (Landeskriminalamt – LKA) requested that I continue my undercover role, but in person in Germany to introduce a German undercover police officer to the suspect. The undercover police officer continued to buy, but in quantity, as the suspect was known to them and was a felon. Another ATF Agent and I traveled to Germany and worked undercover to set up future gun deals for the German police. The case culminated with the arrest three individuals for violations of German firearms laws and the seizure of hundreds of firearms.

In 2008 through 2011, I created and ran the Palm Beach County Gun Show Task Force comprised of ATF Agents and PBSO Deputies. Our mission was to investigate the individuals dealing in firearms without

license, private sales of firearms, sales of firearms to convicted felons, and the “straw” purchases of firearms to convicted felons. Over those years, the taskforce made many state and federal arrests. I still assist today when PBSO and ATF need assistance at gun shows.

In 2012, I set up a private sale gun deals in Arizona for the NBC Today Show’s Rossen Reports to illustrate how easy it is to purchase guns without any criminal background checks using the internet to set up hand to hand sales. The show, titled “Loopholes in law making deadly weapons easy,” can still be viewed at <https://www.today.com/video/loopholes-in-law-make-buying-deadly-weapons-easy-44555331547>.

In 2013, I located a manufacturer on the internet in China who would illegally sell and export M-16 machine gun receivers and parts to the United States. I turned over the case to ATF Portland Maine. ATF then bought in quantity M-16 upper and lower receivers. The case culminated in 2015 with Chinese prosecution of the factory owner who received a life sentence.

Throughout my years with ATF, I worked many cases involving private sales, dealing without a license, straw purchases, and corrupt FFLs and Importers. These cases run the gamut from local straw purchases for a convicted felon boyfriend or other gang members, to private sale cases which involve, in reality, local unlicensed firearms dealing in private sales, to cases where firearms were straw purchased and then sold locally, sent to New York, or illegally exported to foreign countries, such as Colombia, Guatemala, Bahamas, Russia, Estonia, Dominican Republic, Mexico, Bahamas and Haiti. I still send leads and assist ATF and PBSO today in cases involving private sales of firearms to include sales at gun show. I was and still am known as the “go to guy” for firearm trafficking cases at ATF. I also have been and am currently under contact with ATF, including the current and last two Directors of ATF, concerning various issues with firearms.

Devin KELLEY’s Purchases

Until reading the aforementioned reports concerning the 2017 Texas Church shooting/murders by KELLEY, my only knowledge was knowledge that I gained from public news outlets. I was aware from the news stories that his felony conviction was never transmitted from the military courts to FBI CJIS. This allowed him to purchase firearms from federally licensed firearms dealers (FFLs) by passing the criminal background checks. However, based on my experience throughout the country, and especially in “open” states like Texas, a firearm is very easy to acquire without any paperwork or background check. The term “open” state is a term used commonly by ATF Agents that investigate firearm trafficking cases where there is little or no state regulation for private sales between individuals to include unregulated private sales at gun shows. I have been involved in many cases where individuals who cannot pass a background check so they seek private sales that do not require paperwork and do not subject the individual to background check. These purchases occur at secondary markets such as gun shows, flea markets, newspaper ads and the internet.

The FBI uses the NICS background check system for sales made by FFLs. However, the NICS system of course would not prevent KELLEY from going to a secondary market in Texas such as purchasing the firearm through a friend, gun show, newspaper, or the internet to make an off paper purchase which has no background check. There are no federal laws or Texas laws that makes a private sale between two individuals illegal, unless the seller knows or has a reason to believe the buyer is prohibited or a resident of a different state.

A purchase at a gun show is one way to easily obtain a firearm without a background check, and this would have been no different in 2016/2017. At a typical large gun show, there are thousands of guns displayed for sale as well as thousands of people in the aisles. These firearms are for sale from FFLs and private individuals with vendor booths as well as individuals in the aisles and in the parking lot. These individuals, whether at booths or elsewhere, are not required to conduct background checks in Texas and in my experience, will rarely ask if the buyer might be prohibited. In certain respects, a private sale gun purchase at a gun show is the same as buying a baseball card at a baseball card show or antique item at an antique show or flea market. Once you pay your entrance fee at the gun show venue, usually between \$5.00 and \$10.00, you now can roam through hundreds of vendor booths displaying thousands of firearms for sale. You can tell the licensed dealer tables as they take credit cards and you can see purchasers filling out ATF Form 4473s. Once you see Form 4473s you know that a background check will be required. So then you look for tables displaying firearms for sale that do not look commercial. Most of the time on the table there will be a sign posted that reads "Private Sales or Private collection" or the sales person at the table announces, "Private sale no background or wait". Once you find the firearm you want to purchase at one of these tables, you just barter the price, hand the seller cash, and walk away with the firearm. This takes little know-how or effort on the part of the purchaser.

The other common way to acquire firearms at a gun show is through the people in the aisles holding guns for sale or trade. Many of the firearms will have flags in the barrels or on the gun cases, advertising they are for sale. Again all that is required now is an agreement on a price, paying for the gun, and taking it home. It should be noted that this also can take place at the parking lot of the show. I have been to hundreds of gun shows and have bought firearms many times as private sales without any background checks, both in an undercover capacity in a criminal investigation and as a citizen to enhance my collection. I was never once asked if I was a felon. Also I have used confidential informants (CI) at gun shows who are convicted felons to purchase firearms from private sale tables in criminal investigations. In those instances, the CI advised the seller that he can't pass a background check and yet the seller still sold the firearm for cash to the CI. Therefore the ease of a prohibited person to purchase a firearm without a background check cannot be overstated.

Another way to make a private sale purchase without a background check in states like Texas or Florida is through online sales of firearms. Many sites, such as ARMSLIST and Texas Gun Traders, provide a venue for individuals to offer firearms for private sales to other individuals. These sites are searchable for whatever type of firearm you are looking to buy. An example would be if you type in "Glock pistol" at the ARMSLIST site, hundreds of ads for Glock pistols and parts pop up. You then can filter the search for the state in which you reside. Once you click on the Glock you are interested in, photographs and descriptions of the pistol for sale are provided along with the city and contact information for the seller. At that point, contact can be made via email or with many ads the phone number if provided. The next step is to arrange a meeting place and purchase the firearm directly from the seller without any necessary background checks. On 06/19/2020 I joined the internet firearm buy sell site called "Texas Gun Traders." If I were in Texas, I could have purchased a Glock semi-auto pistol and an AR-15 type semi-auto rifle, the same type firearms that KELLEY had, today from private sellers without any paperwork or background check. Internet sales are therefore another method to easily obtain firearms without a background check.

The other route which KELLEY could have taken is the "straw purchase" from a FFL. A straw purchase occurs when you have another individual go to a FFL and buy the firearm for you without the FFL's

knowledge. This is a violation of Title 18 USC 922(a)(6), providing false information to an FFL about the true identity of the purchaser. However, a straw purchase is very hard to discover, and for that reason among others are rarely prosecuted. I have seen many times that a denial at an FFL or buyers who are unable to pass a background check will then lead to a private sale or a straw purchase. As an ATF agent, discovering the illegal purchase was not easy unless you receive information from an informant or an FFL or you are there when it happens. That is why we “work” the gun shows in an undercover capacity, because we can spot these transactions at the show based on indicators of a possible straw purchase or a private sale to a prohibited person, such as a felon or illegal alien. A typical straw purchase indicator is when the true buyer of the firearm is seen handling the gun and asking questions of the FFL and then he walks away not buying the gun. This interaction is then followed by another person who picks out the same gun pays for the gun and fills out the ATF Form 4473. The person that filled out the ATF 4473 is then seen giving the gun to the original person who was handling the gun. Of course, there is also the possibility of stealing a gun or borrowing one from a friend, and many criminals have acquired firearms later used in crimes through these methods. These, and the methods already discussed, make purchasing firearms without a background check quite easy.

KELLEY would have had little difficulty obtaining the firearms used in the shooting through these methods. Still, other methods were available. KELLEY used an AR-15 type rifle and carried a Glock pistol. These two firearms are the most popular “80% type” kits sold on line. This is an additional way to purchase a Glock type pistol or AR-15 type rifle without any checks. The “80% type” kits, also known as Ghost Guns, are unregulated Glock or AR-15 receivers and parts. They can be shipped directly to your home or PO Box. They are called 80% by the firearms industry in that they are not yet 100% finished and therefore are not yet firearms under federal law. Many times what these companies sell products as 80% non-firearms which were then evaluated by ATF and found to be firearms. These types of firearms made from kits are not regulated and are not unlawful to make into firearms under federal or Texas laws. The only federal law pertaining to this is manufacturing firearms from 80% non-firearm kits for sale. If you manufacture or sell firearms for sale, you must be licensed by ATF. There are no laws that prohibit sale of an 80% firearm to a convicted felon or that prohibit a felon from owning an 80% firearm.

I created a lesson on these types of firearm kits in 2017 because of the influx of these types of homemade guns in police evidence vaults in south Florida. I also instruct classes on these types of kits for ATF and other law enforcement agencies. At ATF, they are called homemade firearms or personally made firearms, but they are commonly known as Ghost Guns because they are untraceable due to a lack of a serial number. All that is required to build a fully functional Glock pistol from one of these kits is a drill and hand tools. There are numerous sites on YouTube with step-by-step instructions on how to make a firearm from one of these kits. Once the parts are obtained, the firearm kit can be turned into a fully functional semi-auto Glock type pistol or AR-15 type rifle in a matter of hours. These kits are also available at gun shows and gun shops and can be bought without any criminal checks, as it is not a firearm under federal law and most state laws including Texas. The most popular company that sells these 80% receiver kits is Polymer 80 which can be found at www.polymer80.com. These Polymer80s are by far the most prevalent because of their ease to complete. Remember, these kits are not yet firearms under the law and therefore can be possessed by felons until it is made into a firearm.

In 2017, I assisted ATF in an investigation of an individual who was a dishonorably discharged veteran who was manufacturing and selling fully functional AR-15 type rifles from 80% receivers. A search warrant was served at his residence where completed AR-15 rifles were seized, along with the tools he

used to make them. The case agent advised that the suspect made over 100 of these AR-15 type rifles and sold them and traded them for drugs. This investigation therefore involved a prohibited person who was not only manufacturing AR-15 rifles from 80% receivers for himself, but also trafficking in them. If you are prohibited from buying a gun through legal channels or if you want to hide your purchase of a firearm this method, also adds the un-traceability factor to that firearm.

The Ghost Gun method was used for the firearm at a school shooting on 11/14/2019 at Saugus High School in Santa Clarita, California, where a student shot 5 classmates, killing 2 before killing himself. The firearm used was a .45 caliber semi-auto pistol made from an 80% type kit. Given the ease of obtaining 80% firearms, and the ease of assembling an actual firearm from the kits available online, there is little doubt that someone like KELLEY could have used this method to obtain firearms without a background check, even if other methods failed (which is doubtful).

Devin KELLEY's Firearms

I have reviewed the firearm purchases by KELLEY listed in the Department of Defense Inspector General report (IG report) which indicated KELLEY purchased two firearms during his time with the military (USAF) from FFLs filling out the ATF 4473's and passing a background check before his November 2012 felony conviction. These firearms were an EAA Windicator .38 caliber revolver and a Sig Sauer Model 250 9mm semi-auto pistol.

The IG report showed KELLEY purchased four firearms after his conviction from FFL's again, filling out the ATF 4473's and passing a background check each time. These firearms were: a Glock Model 19 9mm semi-auto pistol in December 22, 2014; a Ruger GP100 .357 Magnum revolver on June 26, 2015; a Ruger AR-556 semi-auto rifle on April 7, 2016 and a Ruger SR22 .22 caliber semi-auto pistol on October 18, 2017.

In Texas, a person could easily have purchased a Glock semi-automatic pistol and an AR-15 type semi-automatic rifle, the same type of firearms that KELLEY had, from private sellers without any paperwork or background check. First of all, Glock pistols are the most popular brand of pistol in the United States. Glock is the first mass produced striker-fire pistol that passed the NATO torture tests in 1984. Both this and its economical price make Glock pistols the most popular law enforcement brand pistol. Glock states that 65% of all US law enforcement uses Glock pistols. My current agency, PBSO has over 3000 Glock pistols. ATF, FBI and DEA all issue Glock pistols. The reliability, cost, safety, support, aftermarket parts and easy to train features have also made it immensely popular in the civilian market. At the guns shows in Florida, Glocks are the most prevalent semi-auto pistols. Even at the PBSO evidence vault, Glock pistols comprise approximately 18% of all of the guns we took in as seized, found or recovered stolen for 2019.

The other firearm KELLEY used was a RUGER AR-556 rifle. This rifle is Ruger's version of an AR-15 type rifle. The AR-15 type rifle is made by well over 100 manufacturers in the United States and is the most popular type rifle in the United States. There is not an exact number of AR-15 type rifles that are in circulation but estimates by the National Shooting Sports Foundation are between 5 and 10 million. At any major gun shop or gun show, this type of rifle outnumbers all the other types. This type of rifle is so

popular that many in the gun industry refer to it as “Americas Rifle” and the “Modern Sporting Rifle.” Weapons such as the AR-15-style rifle and Glock 19 are not difficult to obtain through private sales.

KELLEY’s third gun was a Ruger SR22 .22 rim fire semi-auto pistol. This would not be at all the choice of a pre-mediated person like KELLEY to use at a mass shooting. This pistol uses .22 rim fire ammunition which will fire a .22 diameter 40 grain bullet at approximately 1000 feet per second (fps). The Glock 19 he carried will fire a 9mm diameter (.355 inch) 124 grain bullet at approximately 1200 fps. This SR22 is designed for plinking and target shooting in a very economical way as .22 ammunition is a fraction of the cost of 9mm ammunition. Many pistol shooters, including myself, shoot .22 rim fire caliber semi-auto pistols to get more practice at the range without a huge ammunition cost as shooting a Glock 9mm pistol. These two pistols function basically the same as they are both magazine fed semi-auto pistols. I read the report of the interview with Danielle Kelley who also said the same as I have stated that the cost of shooting the .22 is much less than his 9mm pistol.

Although KELLEY bought the guns used in the shooting from gun dealers (FFLs), this does not mean that he could not have obtained firearms elsewhere. KELLEY appears to have been particular about his firearms, and an FFL, such as Academy Sports & Outdoors, would likely have a large selection of firearms for purchase. However, if he had been denied, he could have easily gone to any of the Texas secondary markets, i.e. gun shows, flea markets, answering a newspaper ad, Texas or national internet sites, and purchased firearms without undergoing a background check. In my experience, a felony conviction does not at all stop a person from purchasing a private sale firearm especially in open States such as Texas where there are no background checks or registration requirements for private firearm purchases. KELLEY also could have had a friend, his wife, or another paid individual obtain firearms through a straw purchase. In addition, as discussed above, both Glock pistols and AR-15 type firearms are easily made from 80% type kits that can be purchased online and made at home.

KELLEY certainly had the know-how to obtain the firearms he wanted. KELLEY bought firearms apparently off paper before purchasing the Glock, AR-15 and SR22 according to his wife Danielle Kelley. She said he first bought a gun from a friend when they were in Colorado but he had problems with it so he got rid of it. It does not mention what type of pistol this was, but that it was \$200.00 and she said it was an off brand. I also reviewed a pawn transfer where on October 2, 2015 KELLEY sold a SCCY CPX2 9mm semi-auto pistol to a Texas pawn shop for \$150.00. It should be noted that an SCCY pistol is a very low cost semi-auto pistol and is not comparable to the quality of a Glock pistol. Given that KELLEY had at this point acquired a Glock, as well as a revolver, he may have felt little need to own the lower-quality pistol.

Danielle also said he bought a shotgun from a friend. She said he shot bats with it and then later bartered the shotgun on Craigslist for a dog. I viewed KELLEY’S I Cloud photos. In those photos was a Maverick 12 gauge pump action shotgun in KELLEY’S possession, which is most likely that shotgun. I have no reason to believe that the shotgun was purchased from an FFL.

Danielle also said that KELLEY would do non-stop research on all of the make and models of firearms. KELLEY, according to the Texas Department of Safety report, purchased two 100 round AR-15 drum magazines which he found advertised on Facebook. All of this shows that KELLEY was very determined, researching on the internet and elsewhere the correct firearms, accessories, accessory weights, and bulletproof vest to carry out the mass shooting. He also purchased two 100 round drum magazines that he researched found on the Internet through Facebook, but then bought them face to face from the

dealer. Therefore KELLEY knew where to find and purchase firearms easily without any background check.

I based these conclusions on the experience of my time in ATF. I spent most of my ATF career working on firearm trafficking cases in order to stop the traffickers from putting out guns on the streets to prohibited persons or illegal exports.

KELLEY'S firearm and accessories choices and reasons for those choices.

I reviewed notes and photos that were downloaded from KELLEY'S iCloud account as well as the ATF report. Messages on his account show that KELLEY studied other mass shootings and silencer manufacturing. There were notes about the accessories and the weights of those accessories for his Ruger AR-556 AR-15 type rifle. I am a firearms instructor and at ATF, and I was certified to teach the AR-15 course of fire. I am familiar with the operation and accessories available for AR-15 type rifles. I reviewed photos of KELLEY'S Ruger AR-556 rifle and the ATF report. I read a messages from KELLEY'S account where he weighed tactical accessories for his AR-15 type rifle down to the ounces. It was obvious to me that he wanted to be as light as possible, and yet carry as much ammunition as he could for tactical multi-target strike. KELLEY wore a bulletproof vest and in addition, wore a tactical vest designed to carry many AR-15 30-round magazines. The additions made to KELLEY'S AR-556 rifle, which would make the rifle more accurate, faster-shooting, and more amenable to clearing any malfunctions, are as follows.

1. Magpul 3rd generation 30 round magazines, which have a window so that rounds can be counted.
2. Bushnell red dot sight – red dot sights provide must faster target acquisition especially for multiple targets as there is no need to line up a front and rear sights. The shooter simply uses the red dot to know the location where the bullet will land.
3. Back up folding flip up rear site – used if the red dot sight fails.
4. Tactical bungee style rifle sling – during a firefight, if your AR-15 rifle jams, law enforcement is taught to sling your rifle switch and fight with your side arm, look for cover and then clear your jam. In this case, KELLEY'S side arm was a Glock 19 9mm pistol with a 31 round magazine to which he added a plus two round floor plate which increased the magazine to 33 rounds.
5. Magpul B.A.D. lever – an AR-15 type rifle has a bolt catch on the left side of the receiver. This bolt catch allows the operator to hold the bolt open when needed to load and unload the rifle. The bolt catch also holds the bolt open when the magazine is empty so that a fresh loaded magazine can be exchanged if needed. Once a loaded magazine is inserted, you hit the bolt catch with your left hand which then closes the bolt loads the rifle making it fire ready. The B.A.D. lever allows this to also be performed with your right-hand trigger finger (right hand shooter), thereby always allowing the shooter to have both hands on the rifle for faster operation.
6. Rail system – the solid hand guard was replaced with a Picatinny Rail system, which is used as a mounting platform for accessories such as lasers, lights, sights, slings and fore grips. In this case, he used the rail to mount his tactical sling and vertical fore grip.
7. Vertical fore grip – tactically some shooters prefer this grip over the normal rifle grip of the forearm/hand guard.
8. Enlarged charging handle – this is added so that it is easier to charge the rifle or clear a jam.

9. AR-15 aftermarket trigger – the stock Ruger trigger was removed for an aftermarket trigger. After market triggers are added in most cases to make a lighter trigger to reduce the pounds of pressure needed to fire the rifle. This modification can add to accuracy and speed.

Based on my training and experience, these modifications were made to make his AR-15 type rifle lighter, faster-shooting and better equipped for a multi target assault. Moreover, modifications such as the sling, ensured that KELLEY would be able to still be able to have a weapon in any firefight with law enforcement, thereby ensuring that he could better survive any prolonged gunfight. These are changes that require sophistication and knowledge with respect to firearms and firearms tactics, and indicate the intention to inflict as much damages as possible with firearms. As relevant here, these modifications sadly facilitated KELLEY's execution of the mass shooting.

/s/ Stephen J Barborini